



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 17-016

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated December 2014.]

1. Statutory Authority

The statutes define an amateur boxing or amateur unarmed combat sports contest to mean a contest or exhibition in which none of the contestants are compensated or paid. [s. 444.01 (1) and (1g), Stats.] The department should explain the authority under which the proposed rule allows an amateur contestant to receive a purse, article, or item that is up to \$50 in value for participating in or winning a bout or exhibit. [ss. SPS 192.02 (2) and 192.14 (1) (f) 4.]

2. Form, Style and Placement in Administrative Code

a. Subchapters IV through VII of ch. SPS 192, which regulate conduct at events, appear to have overlapping requirements that in some cases contain identical language. For example, compare s. SPS 192.59 with s. SPS 192.77, and s. SPS 192.29 (2) with s. SPS 192.59 (6). The department should consider whether the rule could be reorganized to avoid duplication. One option could be to create a subchapter that identifies general requirements common to all unarmed combat sports, followed by separate subchapters that identify more specific additional requirements for each sport. Another option could be to incorporate requirements that appear in earlier sections of the rule by reference, rather than duplicating the language. For example, s. SPS 192.59 (6) could incorporate the requirements in s. SPS 192.29 (2) by reference.

b. The department should review the rule to ensure that the rule's subunits are formatted correctly. For example, the subsections to ss. SPS 192.12 and 192.13 are identified as (a) and (b) rather than (1) and (2). [s. 1.03 (1), Manual.]

c. The terms "knock-out" and "technical knock-out" are not abbreviated consistently throughout the rule. These terms should be modified for consistency in ss. SPS 192.53, 192.72, and 192.89. The department could also consider whether the acronyms are necessary to improve readability. [s. 1.01 (8), Manual.] In addition, the department could review the rule generally to ensure consistency in language between the existing code chapters that are being combined.

4. Adequacy of References to Related Statutes, Rules and Forms

a. The rule defines the terms "mixed martial arts" and "unarmed combat", which are both essentially already defined in statute. The department should consider using the statutorily defined terminology, if possible. [ss. 1.01 (7) (d) and 1.08 (1), Manual.]

b. In s. SPS 192.02 (18), what are "comparable" rules?

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. The department should review s. SPS 192.25 (1) for clarity. What does it mean for a boxer to be "approved" under s. SPS 192.26?

b. The department should consider whether ss. SPS 192.29 (2) and 192.59 (2), which are lengthy, would be clearer if separated into multiple paragraphs. The same could be considered for other parts of the rule that may be equally lengthy.

c. Section SPS 192.12 (b) [sic] should specify the licensing term that applies to each type, or should identify factors that would cause an individual license to be a particular term.

d. The department could consider rewording s. SPS 192.14 (1) to state: "A licensed promoter or club shall obtain a permit from the department prior to conducting an unarmed combat sports event.". Other rule sections that use this same language could also be reworded in the same way.

e. The department should consider reorganizing s. SPS 192.14 (1). The paragraphs in this section identify a list of information that must be included with an application for a permit to conduct an unarmed combat sports event. However, par. (d) also contains requirements for the minimum number of rounds for each event, and par. (f) 4. limits a proposed purse to \$50. These requirements should not be included within the list of permit application requirements, and should be placed elsewhere in the rule.

f. Section SPS 192.14 (5) should specify what the result is if the commissioner or department representative determines that contestants are not evenly and fairly matched.

g. In s. SPS 192.16 (2), the word "a" should be inserted before "violation".

h. The note to s. SPS 192.27 (11) could be identified as an "Example" rather than a "Note", since it provides examples of different weight classes. The department could review the rule to determine whether other "Notes" could be similarly relabeled. [See s. 1.09 (1), Manual.]

i. In ss. SPS 192.59 (7) and 192.77 (7), it appears that the category for “unsportsmanlike conduct” should be elaborated as “any other unsportsmanlike conduct as determined by the referee”. Also, consider revising categories that are described in the plural to the singular, if it is intended that a single described action is a foul. For example, is “an attack to the throat” a foul, or are multiple “attacks to the throat” needed to be considered a foul? [s. 1.01 (9) (e), Manual.]